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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,209	04/23/2001	Jin Lu	US 010191	3948

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/840,209	LU, JIN	
<b>Examiner</b>	<b>Art Unit</b>		
Vincent F. Boccio	2616		

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires 3 months from the mailing date of the final rejection.  
b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
(b)  They raise the issue of new matter (see NOTE below);  
(c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None  
Claim(s) objected to: None  
Claim(s) rejected: 1-20.  
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attachment.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13.  Other: \_\_\_\_\_.

  
Vincent F. Boccio  
Primary Examiner  
Art Unit: 2616

**DETAILED ACTION**

**After Final Request For Reconsideration**

{A} in re page 6, applicant states, "storing the data in appropriate one of the queues ... This is a filtering process ... data retrieval controller 160 acts to filter data".

In response there is no filter per see, but, merely relaying the data only, filtering requires some sort of removal, there is no removal, but, merely relaying what is received but, no filtering is done, therefore the arguments of a filter at the local station is not persuasive.

{B} In re page 6, "Harriman teach storing a single copy each multicast data and to replicate only an address pointer for that memory location for each destination of the multicast connection." & "Harriman teach only to transmit a replicate of an address pointer for the memory location for each destination of the multicast connection.".

In response the examiner does understand that the replicated address is not transmitted, but the address is duplicated being the same data to transmit, wherein the improvement of Harriman is to have a system that a multi-casting capability that requires minimal buffer capacity, col. 1, but, the prior art of Harriman and Harriman do teach the utilization of queues, col. 2, using a plurality of multicast queues and one multicast output queue for each output and further at Fig. 2, shows sets of multicast queues 140 one per port 0, 1, N and Fig. 1, shows uni-cast queues 130, therefore the arguments are not deemed persuasive.

{C} In re page 7, applicant states, "There is no local broadcast facility in the cited references.".

In response, page 5, shows a broadcaster transmitting a signal, to a receiver, therefore, the receiver is local to the broadcaster.

If the broadcaster and receiver are not local to each other, how does the receiver receive anything from the broadcaster/broadcasting station?????????????????????

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{D} In re page 7, applicant states, "Motorola does not disclose or suggest any type of reception of a first data stream that is transmitted by interpretation of a local broadcast facility".

In response, the receiver must be local to the broadcast or would not receive anything, such as on page 5, no other disclosure is deemed necessary.

{E} In re pages 7-8, applicant further argues there is no comparing with at least one user parameter and storing and wherein no disclosure for filter, in view of no local broadcast facility.

The primary examiner has previously pointed out many passages and asked many questions, many if not all newly pointed passages, have not been commented on, the examiner states that applicant is non-responsive on these important points raised, which are deemed required to be answered, but, since not, the examiner can only conclude the points cannot be argued, by applicant.

The primary examine for the second time will address the issues.

At page 6, "the TV station to launch a sustaining data cast service ... the station can also seek out additional data through the Internet to augment its data-casts to suit the needs of the community.", therefore the TV station can insert additional content in view of Fig. 9, using a downstream inserter, prior to 8VSB DTV transmitter {page 5}, being a local transmission or broadcast (left side, DTV, transmission), to locals (right side, reception by a receiver), that can receive the broad-cast.

Page 6, further states, "Other local content can be contributed and processed for inclusion in them", clearly with respect to page 9, a Data insertion element, prior to DTV transmission.

Does Fig. 5, show a DTV transmitter being local to the receiver or not, if not, please explain???? or agree!!!!

Further to clarify again, page 9, states, "An alternative method for transporting some or all of the data-cast files".

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In addition page 7, "JUST PORTIONS OF THE DATACASTS THAT THEY WANT ARE DELIVERED.", please explain why there is no filtering.

Further, "Multicasting where portions of the service are tailored to the interests of separate groups with the stations service area and Uni-casting wherein other aspects of the service are targeted to a specific PC user.

Please explain without any knowledge of the users, how are the data casts tailored to groups and users targeted?????????

Please explain, when only some of the files are sent, how does one not sent data-cast without filtering ??????????????

**Contact Fax Information**

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
8/30/05



VINCENT BOCCIO  
PRIMARY EXAMINER